

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALVERENE BUTLER,)	
)	
Plaintiff,)	
v.)	
)	CASE NO. 2:06-cv-00278-MEF-CSC
ALABAMA DEPARTMENT OF TRANSPORTATION, <i>et al.</i>,)	
)	
Defendants.)	

MOTION FOR EXTENSION

COME NOW Defendants, the Alabama Department of Transportation, Joe McInnes, Mark Waits, and Patrick Todd Jackson, by and through their undersigned counsel, and move this Court for an extension of time to file their reply to Plaintiff's Response (Doc. No. 29) to Defendants' Motion for Summary Judgment (Doc. No. 25). As grounds, Defendants show as follows:

1. Assistant Counsel Harry A. Lyles is an attorney of record for Defendants in this matter. He has filled the role of lead counsel for Defendants and is the attorney who has attended all the depositions, conducted all the research, and prepared all pleadings filed heretofore, including Defendants' Motion for Summary Judgment (Doc No. 25), Brief in Support (Doc. No. 25), and Evidentiary Materials in Support (Doc. No. 26).
2. Mr. Lyles was suddenly and unexpectedly admitted to the hospital on Monday, February 12, 2007, after a visit to his doctor revealed a blot clot running the length of his lower right leg requiring immediate and emergency medical attention.
3. On February 14, 2007, Plaintiff filed her Response (Doc. No. 29) to Defendants' Motion for Summary Judgment (Doc. No. 25).

4. Defendants' reply to Plaintiff's Response is due on Wednesday, February 21, 2007.

5. Mr. Lyles anticipates being released from the hospital in time to return to work on Thursday, February 22, 2007, but it remains unclear whether he will be able to do so. Defendants' reply is due before that date.

6. Plaintiff will not be prejudiced by the granting of the extension.

7. No adjustment to the Court's Uniform Scheduling Order (Doc. No. 21) is necessary if the extension is granted.

8. The undersigned has discussed this motion for extension with counsel for Plaintiff, who has indicated that he has no objection.

WHEREFORE, Defendants move the Court for an extension of the time for filing their reply to Plaintiff's Response to Defendants' Motion for Summary Judgment (Doc. No. 29) through March 5, 2007 (11 calendar days, 7 work days).

RESPECTFULLY SUBMITTED
TROY KING
ATTORNEY GENERAL

s/ R. Mitchell Alton, III
Jim R. Ippolito, Jr. (IPP001)
Assistant Attorney General
Chief Counsel

R. Mitchell Alton, III (ALT003)
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CERTIFICATE OF SERVICE

I hereby certify that, on **February 15, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system, which will send notification to the following:

Mr. Jay Lewis, Esq.
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s/ R. Mitchell Alton, III
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